

Application No.: 10/779,519
Arndt Dated: May 31, 2007
Reply to Office Action Dated: March 9, 2007

Attorney Docket No. BARR.10004
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REMARKS

MAY 31 2007

Claims 1-21 are pending in the present application. Claims 1 and 3 have been amended and claim 2 has been cancelled without prejudice to or disclaimer of the subject matter contained therein. Upon entry of the foregoing amendment, claims 1 and 3-21 will be pending.

Reexamination of the application and reconsideration of the rejections and objections are respectfully requested in view of the above amendments and the following remarks.

I. Allowable Subject Matter

Applicants acknowledge and thank the Examiner for indicating that claims 7-21 are allowed.

II. Claim Rejections under 35 U.S.C. § 102

Claim 1 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Koizumi et al. (Chem. Pharm. Bull., 1996; hereinafter "Koizumi et al.") and Rasmussen et al. (J. Med. Chem., 1984), and has also been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Cabaj et al. (U.S. Patent Pub. No. 2003/0032817). *Office Action* at pages 2-3. Applicants respectfully traverse for at least the following reasons.

Initially, Applicants note that the recitation of former claim 2 (now cancelled) has been incorporated into claim 1. Although claim 2 was listed as being objected to in the Office Action Summary, claim 2 was not rejected based on the cited references. As such, amended claim 1 is directed to a process for the production of a 2-oxa-3-one androstane derivative, the process comprising reacting a 3-one androstane derivative with ozone to form a 2-oxa-3-one androstane derivative, where the reaction is conducted in the presence of an organic or inorganic peroxide.

None of the cited references, Koizumi et al., Rasmussen et al., or Cabaj et al., discloses the recited step of reacting a 3-one androstane derivative with ozone, in the presence of an organic or inorganic peroxide to form a 2-oxa-3-one androstane derivative.

Accordingly, since the cited references do not anticipate independent claim 1, neither do they anticipate dependent claims 3-6. As such, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

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III. Claim Rejections under 35 U.S.C. § 103

Claims 1, 4, and 5 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cabaj et al. (U.S. Pub. No. 2003/0032817), Koizumi et al. (Chem. Pharm. Bull., 1996), and Rasmusson et al. (J. Med. Chem., 1984). *Office Action* at page 3. Applicants respectfully traverse for at least the following reasons.

As noted above, the recitation of former claim 2 (now cancelled) has been incorporated into claim 1. Applicants again note that claim 2 was objected to in the Office Action Summary, but was not rejected over the cited references.

None of the cited references teach or suggest a process for the production of a 2-oxa-3-one androstane derivative, as recited in amended claim 1, where the reaction is conducted in the presence of an organic or inorganic peroxide.

Accordingly, independent claim 1 and claims 4 and 5 depending therefrom are not obvious over Cabaj et al., Koizumi et al., and Rasmusson et al. Thus, Applicants respectfully request that the rejections of claims 1, 4, and 5 under 35 U.S.C. § 103(a) be withdrawn.

IV. Conclusion

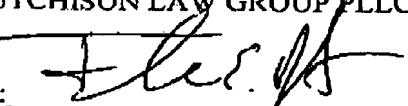
For the foregoing reasons, claims 1 and 3-21 are considered allowable. A Notice to this effect is respectfully requested. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

HUTCHISON LAW GROUP PLLC

Date: May 31, 2007

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 (Signature of Person Signing Certificate)

Date of Signing: 05/31/2007